

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claim 3 has been canceled and the subject matter thereof has been incorporated into Claim 1. Claim 1 therefore now recites that an edge of the at least one panel is held by the at least one plastic structure with a compressive lateral pressure applied to the edge, to assemble the panel and plastic structure.

New Claim 21 has been introduced. Claim 21 recites that the plastic structure includes a recess and recites the property that the recess has a depth which is not greater than an amount of shrinkage of the plastic structure during cooling from an injection molding temperature. This claim does not introduce new matter. The recess is shown in Figure 2. Moreover, the recitation that its depth is not greater than an amount of shrinkage during cooling of the plastic structure is a property of the recess which is inherent from the description found on page 16 of the specification. That is, since the glass panel is placed on the frame after the removal of the frame from an injection mold (page 16, lines 28-35), it is inherent that the recess thereby formed by the glass panel cannot exceed the amount of shrinkage of the plastic frame. The specification has been amended to explicitly describe the recess and this property. Since an amendment reciting a property which is inherent from the originally disclosed structure is not new matter (MPEP § 2163.07(a) (“By disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it. The application may later be amended to recite the function, theory or advantage without introducing prohibited new matter.”)), the amendment to the specification and the subject matter of new Claim 21 do not represent new matter.

Concerning the double patenting rejection, Applicant respectfully submits that the amended claims clearly define over the claims of the co-pending application 10/070,803, or the co-pending claims in view of the U.S. patent to Caruso et al. For example, Claim 1 now recites that an edge of the panel is held with a compressive lateral pressure. This is a structural feature which is not recited in, or obvious from, the claims of the co-pending application. Similarly, the amended claims would not have been obvious over the claims of the co-pending application in view of Caruso, since Caruso was cited in the double patenting rejection for the limited teaching of assembly elements.

Claims 1-3, 5, 7-9, 19 and 20 were also rejected under 35 U.S.C. §102 as being anticipated by Caruso et al. Evidently with respect to Claim 3, the Examiner there alleged that “the plastic structure of Caruso would inherently be laterally pressure fit relative to the panel.” The Examiner has not explained why it is considered that the lateral pressure fit will inherently result in Caruso et al. but it may be that the Examiner considers that this lateral pressure will inherently be present, based upon the description of molding in the reference. However, any such rejection based upon inherency is respectfully traversed.

As discussed above, Claim 1 now recites the structural feature of Claim 3 whereby a compressive lateral pressure is applied to the edge of the panel. Such a compressive lateral pressure inherently results from the disclosed insertion of the glass panel in the frame after the frame is removed from the mold but before the frame has finished cooling (page 16, lines 28-39). On the other hand, Caruso et al. describes that the plastic frame 34 “is molded around the edges of the glass panel” (column 2, lines 52-53). That is, the glass panel in Caruso et al. is positioned in the mold during the injection process itself. Therefore, the glass panel in Caruso et al. will also be heated during the molding process and will cool together with the plastic frame after their removal from the mold.

To support a rejection based upon inherency, Examiner must provide a rationale or evidence that the allegedly inherent feature will *necessarily* be present as a result of the features that are explicitly disclosed in the reference; that the feature *may* be present is not sufficient. MPEP § 2112 (IV). Lateral compressive pressure on the edges of the glass panel, however, will not necessarily be present in Caruso et al. Since both the glass panel and the surrounding plastic frame in Caruso et al. will cool after the removal of the formed assembly from the mold, the presence or absence of lateral compressive pressure on the edges of the glass panel in this reference will depend upon the degree of shrinkage of the glass panel as compared to the degree of shrinkage of the plastic frame – lateral compressive pressure will only be present where the frame shrinks more than the glass panel. Since this will not necessarily occur, lateral pressure is not inherent from the disclosure of Caruso et al. and the amended claims define over Caruso et al.

New Claim 21 recites that the recess has a depth which is not greater than an amount of shrinkage of the plastic structure during cooling of the plastic structure from a temperature at which the plastic structure may be injection molded. There is no evidence in Caruso et al. that the grooves therein would have such a limited depth.

The specification and drawings have been revised in light of the objections thereto.

Concerning DE3141482, which was cited in the Information Disclosure Statement filed on August 21, 2003, but which was not considered by the Examiner because it lacked a concise explanation of relevance, it is noted that this reference was cited in the PCT search report. M.P.E.P. §609, II instructs that “[t]he examiner will consider the documents cited in the international search report in a PCT national stage application when form PCT/DO/EO/903 indicates that both the international search report and the copies of the documents are present in the national stage file.” Since these documents were submitted in the parent application, Applicant respectfully requests that DE3141482 be considered.

Application No. 10/644,731
Reply to Office Action of June 28, 2004.

Applicant therefore believes that the present application is in a condition for allowance and respectfully solicits an early notice of allowability.

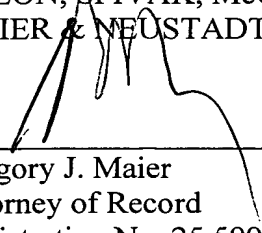
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
RTP/rac



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Robert T. Pous
Registration No. 29,099

I:\ATTY\RTP\241763US-AM.DOC

IN THE DRAWINGS

Please amend Figure 2 to add reference numeral 100 and the lead line therefor.

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2, replaces the original sheet including Fig. 2.

Attachment: Replacement Sheets